

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :  
v. : CASE NO. 1:12-CR-194-8  
ADRIAN TOTTON, :  
Defendant :  
:

*O R D E R*

AND NOW, this 1st day of February, 2017, upon consideration of Defendant's motion (Doc. 1162) under 28 U.S.C. § 2255, and pursuant to the accompanying Memorandum, it is ORDERED that:

- (1) Defendant's motion is GRANTED only as to his claim of ineffective assistance of counsel surrounding the plea agreement negotiations. Defendant's motion is DENIED in all other respects.
- (2) The Government shall coordinate with defense counsel and reoffer the plea agreement that was previously offered to Defendant as soon as practicable.
- (3) After Defendant has decided whether to accept the reoffered plea agreement, such decision shall be promptly communicated to the court in writing by the parties. Thereafter, as is required, the court will decide "whether to vacate the conviction from trial and accept the plea, or leave the conviction undisturbed." Lafler v. Cooper, 566 U.S. 156, 171 (2012).
- (4) If required, a change of plea hearing and resentencing shall be scheduled at an appropriate time by further order.

/s/ William W. Caldwell  
William W. Caldwell  
United States District Judge